

O'NEILL / HASSEN

Attorneys at Law

October 1, 2021

VIA ECF and Email

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

RE: *United States v. Andrei Razvan Rusu*, 19 Cr. 651 (LTS)

Dear Judge Swain:

I am writing to seek the Court's help in ordering the Bureau of Prisons to calculate Mr. Rusu's release date and advise the authorities at the Westchester County Jail of the release date so that Mr. Rusu is not held in custody any longer than necessary before being extradited back to Romania.

Mr. Rusu was sentenced to a term of twenty-six months following his guilty plea on September 9, 2021. At the time of sentencing, the Court recommended to the BOP that "the defendant be with pre-extradition time in detention in Romania in connection with these charges from November 29, 2019 to August 14, 2020... [; and] that the defendant's sentence be calculated forthwith, to facilitate prompt transfer to ICE upon completion of the sentence."

By my calculation, if given the credit recommended by the Court, Mr. Rusu has already served more than twenty-two months of the twenty-six months imposed by the Court. Mr. Rusu has had no disciplinary infractions and is thus eligible for a "Good Time" reduction of 15% in his sentence to slightly over 22 months.

I emailed the BOP on the day I received the judgment to encourage it to follow the Court's directive and calculate Mr. Rusu's sentence forthwith. Unfortunately, since that time, Mr. Rusu has remained in custody in Valhalla and his release date has not yet been calculated. I most recently spoke with the Bureau of Prisons this morning. It informed me that Mr. Rusu is not yet in its system.

I am now asking for the Court's assistance in requiring the BOP to do its job and calculate Mr. Rusu's release date so that he can be transferred to ICE custody as soon as he is eligible for release from incarceration.

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I thank you in advance for your attention to this matter.

Respectfully submitted,

The Court directs the Government to provide a copy of this endorsed order to its contacts at the BOP and Westchester County Jail and to confer on this matter promptly. The Government is directed to provide a status update by October 7, 2021, on the status of the sentencing computation. DE no. 865 resolved.

SO ORDERED.

10/1/2021

/s/ Laura Taylor Swain, Chief USDJ

/s/

Grainne E. O'Neill
Attorney for Andrei Rusu

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